DEPARTMENT OF STATE/CSC/MR
REVIEWED BY: 21TGE W/ DATE 11/7/95
XDS or XDS EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS
DECLASSIFIED/RELEASABLE
RELEASE DENIED
PA or FOI EXEMPTION

(167) R

IMPACT OF INTERNATIONAL ORGANIZATION AND MULTILATERAL SECURITY ARRANGEMENTS ON STRUCTURE AND PRACTICE OF UNITED STATES FOREIGN POLICY

(Preliminary Outline of Problems
by George F. Kennan)

Among the new factors which in recent years have affected the conduct by the United States Government of foreign affairs of the country there is none which has been more drastic in its immediate demands for re-adjustment of structure and practice, or in its possible implications along these lines, than the participation of the United States in those international organizations and security arrangements which have permanent organs meeting with considerable frequency and capable of taking decisions legally or morally binding on the member nations.

Dean Rusk has defined this general phenomenon as "parliamentary diplomacy", and this term will serve as a convenient designation for purposes of the paper.

Parliamentary diplomacy has affected, and threatens to affect, the conduct of our foreign relations in a wide variety of ways. The purpose of this paper is to identify the most important of these ways, to classify them in outline form, and to suggest the questions arising therefrom which, in the light of experience to date, seem to require further study.

The

The material seems to group itself most conveniently into three categories: legal, administrative, and political. It will be treated accordingly below.

I. LEGAL

1. Effect on sovereignty

Study of all the ways in which state sovereignty has been modified or affected. This should be a theoretical and comprehensive study, based on the conclusions of the specific inquiries indicated under the other headings of this section.

2. Parliamentary Diplomacy and the Constitution

Effect of obligations contained in UN Charter and multilateral security pacts, or implicit in decisions of their permanent organs, on the powers and limitations of the Federal Government.

(a) Treaty-making powers of the Senate. "Acceptance" in lieu of "ratification". Question of moral obligation arising from executive statements at UN.

(b) War-declaring powers of the Congress. (This has already been extensively studied but should be reviewed in light of recent experience.)

(c) Possible limitation of right of Congress to amend the Constitution.

3. Effect on state laws and prerogatives

Particular question of effects of Genocide Convention (American Journal of International Law, 1949, Vol. 43, p. 498).

4. Effect

DECLASSIFIED

4. Effect on individual citizens

(a) Rights (See Am. Journal of Int. Law. 1949. Vol. 43, p. 316)

(b) Duties
War Crimes Trials
Genocide Convention

II. ADMINISTRATIVE

1. The UN Delegation

(Taken as the most important and characteristic of the instrumentalities involved.)

(a) Size and organizational momentum. (Parallels - General Clay's headquarters and military government in Germany.)

(b) Difference in atmosphere and outlook between Washington and Lake Success.

(c) Functional necessity for wide discretionary power on part of Delegation.

(d) Organization of the guiding and directing authority in Washington. Composition and functions of Office of United Nations Affairs; its relation to remainder of Department of State; its relation to other departments and agencies of Government.

2. Representatives from private life

Participation in UN activities (or other multilateral-international activities), in representative capacity, of U.S. citizens drawn from private life or from the legislative branch of the Government.

DECLASSIFIED

(a) Under

DECLASSIFIED

(a) Under authority of the Government. (How far does this authority extend? When these people have a representative capacity, formal or otherwise, vis-a-vis domestic groups or parties, to what extent do they represent these groups and to what extent the Executive authority in their functioning? Dulles, Mrs. Roosevelt, Senator Vandenberg, etc.)

(b) Not under governmental authority.

1) Individuals. UNESCO. Members of expert and non-governmental commissions under ECOSOC, etc. The non-governmental organizations. What are obligations of individuals who serve in this way? Can there be conflict between obligations to UN and obligations to U.S. Government?

2) Organizations. Special status of A.F. of L. The non-governmental organizations in general. Does this create a class of privileged citizens at home, from standpoint of representation in international affairs? Is it constitutional? How about Logan Act?

3. Subordination of U.S. citizens to UN authority

(a) Private Americans - Bunche. Again: is there a conflict of loyalties? Is loyalty to UN derivative from national loyalty or is it independent?

(b) U.S. officials. MacArthur, Cochran, Nimitz, etc. How is disciplinary relationship divided? How about security, etc? How does it all work?

4. Military

DECLASSIFIED

4. Military Relationship

Analysis of Korean experience. Relation of national command to UN command. Arrangements with respect to logistics, command, insignia and symbols, etc. Comparison to use of state guard units in federal service.

III. POLITICAL

1. Characteristics of UN Assembly

(a) Present composition.
What sort of groupings, voting blocs, etc?
How do governments evolve guiding lines for conduct of their UN delegations?
Quality of present normal majority.
What does it really represent? To what extent is it expressive of popular feelings? Relationship of voting power to population? to industrial strength? to military power?

(b) Trends in Assembly groupings.
What major variations in Assembly majorities? (For example - large majorities with U.S. on major political issues involving USSR; different majorities on colonial and backward area questions.)

2. The Assembly and International Security

Implications of U.S. policy of favoring Assembly handling of security problems.

(a) Importance of Assembly decisions as moral obligations.
At home.
Abroad.

(b) Possible forms of such obligation.

(c) Possibility

(c) Possibility of break-up of UN. Problem of rump organization. (Is there any place to stop between regional pacts and universality?)

3. Specific obligations flowing from Assembly actions.

(a) Korea.
To what extent is U.S. co-guarantor of Korean internal stability?

(b) Turkey.
In what conditions or eventualities is Turkey apt to expect dispatch of U.S. forces to Turkey.

(c) Siam.
(The same)

(d) United Kingdom and other Atlantic Pact countries.
Possible conflicts between NAT and UN decisions.